

**SUPREME COURT MINUTES
MONDAY, SEPTEMBER 13, 2004
SAN FRANCISCO, CALIFORNIA**

S127404

WASHINGTON (ROBERT) ON H.C.
Petition ordered withdrawn

pursuant to written request of petitioner.

S127626

H027814 Sixth Appellate District

SANTA CLARA BOARD OF SUPERVISORS v. S.C.
(KNOX)
Petition for review and application for stay denied

S127719

CLEAN AIR TRANSPORT SYSTEM v. S.C.
(WALLACE, J.)
Order filed

Petitioner's request for leave to file an original
petition for writ of mandate in the above-entitled
matter is hereby DENIED.

S031603

PEOPLE v. LEWIS (JOHN)
Extension of time granted

to November 12, 2004 to file appellant's reply
brief. The court anticipates that after that date,
only one further extension totaling about 60
additional days will be granted. Counsel is
ordered to inform his or her supervising
attorney, if any, of this schedule, and to take all
steps necessary to meet it.

S042346

PEOPLE v. JONES (BRYAN)
Extension of time granted

to November 8, 2004 to file respondent's brief.
After that date, only ten further extensions
totaling about 610 additional days will be
granted. Extension is granted based upon
Deputy Attorney General Karl T. Terp's
representation that he anticipates filing that brief
by 1/14/2006.

S051451

PEOPLE v. VALENCIA (ALFREDO)
Extension of time granted

to November 12, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 45 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jamilla Moore's representation that she anticipates filing that brief by the end of 12/2004.

S055474

PEOPLE v. PERRY (CLIFTON)
Extension of time granted

to November 15, 2004 to file respondent's brief. After that date, only one further extension totaling about 30 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General John G. McLean's representation that he anticipates filing that brief by 12/15/2004.

S072316

PEOPLE v. GONZALES (VERONICA)
Extension of time granted

to November 19, 2004 to file appellant's opening brief.

S081918

PEOPLE v. MCKINZIE (KENNETH)
Extension of time granted

to November 1, 2004 to file appellant's opening brief.

S110541

PEOPLE v. MURTISHAW (DAVID LESLIE)
Extension of time granted

to November 19, 2004 to file appellant's opening brief.

S122816

B162812 Second Appellate District,
Division Three

PEOPLE v. HUDSON

Extension of time granted

to September 23, 2004 for appellant to file
opening brief on the merits.

S123054

B167843 Second Appellate District,
Division Seven

HICKS v. S.C. (KAUFMAN & BROAD HOME CORP)

Extension of time granted

to September 20, 2004 to file real parties in
interest's answer brief on the merits.

S123074

C042876 Third Appellate District

PEOPLE v. SMITH

Extension of time granted

to September 27, 2004 to file respondent's
answer brief on the merits.

S124464

A102399 First Appellate District,
Division Five

PACIFIC LUMBER CO. v. CALIF. STATE WATER
RESOURCES CONTROL BOARD

Extension of time granted

to November 15, 2004 to file appellant's answer
brief on the merits.

S124851

TURNER (RICHARD DEAN) ON H.C.

Extension of time granted

to October 18, 2004 to file the informal response
to the petition for writ of habeas corpus. After
that date, only seven further extensions totaling
about 210 additional days will be granted.
Extension is based upon Deputy Attorney
General Douglas C.S. Lee's representation that
he anticipates filing that document by
5/18/2005.

S126851

LENART (THOMAS) ON H.C.

Extension of time granted

to October 22, 2004 to file the informal response
to the petition for writ of habeas

corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon Deputy Attorney General Susan Rankin Bunting's representation that she anticipates filing that document by 1/24/2005.

S086269

PEOPLE v. JACKSON (JONATHAN K.)
Counsel appointment order filed

appointing Gilbert Gaynor to represent appellant for the direct appeal.

S029550

PEOPLE v. HOLLOWAY (DUANE)
Order filed

Court's 150-day statement.

S127163

HALL v. HUMBOLDT COUNTY S.C. (PEOPLE)
Order filed

The above-entitled matter is transferred to the Court of Appeal, Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S106196

VOISENAT-RAFTER ON DISCIPLINE
Probation revoked

Good cause having been shown, it is hereby ordered that the probation of **PHYLLIS N. VOISENAT-RAFTER, State Bar No. 159095**, is revoked and reinstated on the same terms and conditions previously imposed in Supreme Court case number S106196 (97-O-179916; 00-O-11382) as modified by the Hearing Department of the State Bar Court in its order approving stipulation filed on July 15, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and one-fourth of said costs

must be added to and become part of the membership fees for the years 2005, 2006, 2007, and 2008.

S125986

MORGENSTERN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **CARRYE WASHINGTON MORGENSTERN, State Bar No. 194377**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 19, 2004. Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and one-half of said costs must be added to and become part of the membership fees for the years 2005 and 2006.

S125987

RELAT ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ROBERT E. RELAT, State Bar No. 125467**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for one year and until he makes restitution to Luis G. Alvarez (or the Client Security Fund, if appropriate) in the amount of \$4,550.00 plus 10% interest per annum from June 3, 2002, and furnishes satisfactory proof thereof to the State Bar's probation unit in Los Angeles, as recommended by the Hearing Department of the State Bar Court in its decision filed April 28, 2004; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. Costs are awarded to the

State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125988

LOWENSTEIN ON DISCIPLINE
Recommended discipline imposed

It is ordered that **ANTHONY S.**

LOWENSTEIN, State Bar No. 201269, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 12, 2004. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.
*(See Bus. & Prof. Code, § 6126, subd. (c).)

S125991

RING ON DISCIPLINE
Recommended discipline imposed

It is ordered that **LAURENCE RING, State Bar No. 75619**, be suspended from the practice of law for six months, that execution of the

suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 17, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S125992**SHELLEY ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **PAUL ALAN SCHELLEY, State Bar No. 54505**, be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for sixty days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 17, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S125995**STENGER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JEANNE PARSONS STENGER, State Bar No. 117713**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years

subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 19, 2004. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2005, 2006, 2007, 2008 and 2009. (Bus. & Prof. Code, § 6086.10.)

S125996**SIMON ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **CHARLES CARTER SIMON, State Bar No. 86470**, be suspended from the practice of law for one year and until he provides proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and present learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct, that execution of suspension be stayed, and that he be placed on probation for two years on condition that he be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed May 14, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005 and 2006.

S125998**WALKER ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **JENNIFER L. WALKER, State Bar No. 159885**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on May 21, 2004. It is also ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that she comply with rule 955 of the California Rules of Court, and that she perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. *(See Bus. & Prof. Code, § 6126, subd. (c).)

S127741**HELLESTO ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **RICHARD ALVIN HELLESTO, State Bar No. 61471**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar. *(See Bus. & Prof. Code, § 6126, subd. (c).)